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Robert Aarts

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EXAMINER

JEAN GILLES, JUDE

ART UNIT

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2143

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/041,610	Applicant(s) AARTS ET AL.	
	Examiner JUDE J. JEAN GILLES	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Action is in regards to the Reply received on 04/08/2008.

Response to Amendment /Arguments

1. No claim has been amended. Claim 27 is newly added. Claims 1-27 are pending. Claims 1-27 represent a method and apparatus for "ACCESSING FUNCTIONALITIES IN HYPERMEDIA."

Applicant's arguments with respect to claims 1-26 have been carefully considered, but are deemed persuasive. Applicant's arguments are deemed moot in view of the following existing ground of rejection as explained here below. Because it is likely that the Applicants might present the same arguments in the future, the Examiner thinks it is prudent to address the points of contention, namely:

Point A) Applicants contend that in the Office Action, the Examiner considers the Web Check application to map onto the "user agent" of claim 1. Moreover, it appears that the Examiner considers each URL specified in the Internet Shortcut folder to map onto "an element" in claim 1. Applicant submits that the Examiner incorrectly interprets an Internet Shortcut to be the same as a keyboard shortcut because characters from the keyboard are used to implement those shortcuts. Consequently, the Examiner considers that the process of parsing the hypermedia documents corresponding to the URLs in the Internet Shortcut folder for updates to update the "about web site" properties, caching the updated documents and retrieving and displaying the cached document on user instruction, to correspond in claim 1, to "parsing the hypermedia;

collating data corresponding to the at least one element in the hypermedia that have been assigned a keyboard shortcut using said predetermined attribute and rendering a display of the collated data."

As to point A, the Examiner maintains his previous position in that the internet keyboards here work in a similar fashion as the invention and specifically within the context of claim 1.

Point B) The Examiner argues that although D'Souza does not distinctly teach assigning a keyboard shortcut to at least one element in hypermedia, this feature is well known and would have been an obvious modification to the system of D' Souza in view of Hoag. Applicant disagrees and challenges the assertion that such a feature is well known. Hoag, at best, discloses the use of key board shortcuts to implement a macro, subroutine or other defined application function. It is not clear exactly how the Examiner envisages that the modification would be implemented but even assuming *arguendo* that the Examiner considers that each Internet shortcut URL would have a keyboard shortcut the combination of D' Souza and Hoag still does not teach or suggest all of the features of claim 1.

As to point B, see the rejection of claim 1 below.

Point C) Applicant submits that the Examiner's rejection of the claims rely on a construction that a person skilled in the art would not contemplate. The skilled artisan would not consider the claimed "element" to correspond to a complete URL as required by the Examiner's construction.

As to point C, see the rejection of claim 1 below where proper motivation and reason to combine the two prior art of record of D'Souza and Hoag.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 7 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claim 14: Claim 1 recites the steps of "A browser for a user agent for rendering hypermedia that includes at least one element that has a predetermined attribute whereby a dynamically assignable keyboard shortcut for the user agent actuates a predetermined functionality associated with the at least one element, the browser including software to provide: parsing of the hypermedia; identifying data corresponding to the at least one elements in the hypermedia that have been assigned a keyboard shortcut using said predetermined attribute; and rendering a display of the data." These steps fail to definitely recite a hardware executing the computer software, rendering the claim as recited only an abstract idea. The claim equates merely to a computer code or concept per se since "*a browser and its code*" in the context of the claimed invention are interpreted by the Examiner to represent computer code or concept, which does not have a practical application or tangible result.

Regarding claims 8, and 10: Claims 8 and 10 are also nonstatutory. The

independent claims are nonstatutory because of the reason mention for the rejection of claim 1 and the dependent claims are nonstatutory because they depend on a nonstatutory base claim.

4. Claim 20 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claim 20: Claim 1 recites the steps of “A signal including a carrier that carries instructions in the form of computer executable code that when executed by a processor provides: parsing hypermedia; identifying data corresponding to elements that define predetermined keyboard shortcuts in the hypermedia; and rendering a display of the data.” These steps fail to definitely recite a hardware executing the computer software, rendering the claim as recited only an abstract idea. The claim equates merely to a computer signal per se since “*a signal including a carrier*” in the context of the claimed invention are interpreted by the Examiner to represent computer signal or concept, which does not have a practical application or tangible result.

Appropriate correction is required. The above noticed problems are just exemplary. Applicant is required to totally check the application for error and correct the same.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over

D'Souza et al (D'Souza), U.S. Patent No. 6,745,224 B1 in view of Hoag, U.S.

Patent No 6,114,978.

Regarding **claim 1**, D'Souza teaches a method of accessing functionalities in hypermedia to be parsed and rendered by a user agent, the hypermedia including at least one element that has a predetermined attribute whereby a dynamically assignable keyboard shortcut for the user agent actuates a predetermined functionality associated with the at least one element (*see fig. 6; 122 represents the Hypermedia resources; web check 53 is the user agent , and the predetermined functionality is the shortcut folder 128, associated with the internet shortcuts 124-125*), the method comprising:

parsing the hypermedia (column 14, lines 12-17);

collating data corresponding to the at least one element in the hypermedia that have been assigned a keyboard shortcut using said predetermined attribute (*column 14, lines 55-62; note that the locally cache file contains the collated data that is purged in relation to the verified and updated shortcut; here the Internet shortcut is interpreted as defined by D'Souza to be a keyboard shortcut as characters from the keyboard are used to implement those shortcuts*); and

rendering a display of the collated data (*fig. 1-2, internet browser 51 is used to display the retrieved data; also see column 5, lines 57-64*).

Although D'Souza teaches that the Web Checker 53 stores the Internet shortcuts used to match the URLs of the Hypermedia using predetermined attributes, D'Souza does not distinctly teach assigning keyboard shortcut to at least one element in a hypermedia. Nonetheless this feature is well known and would have been obvious modification to the system of D'Souza as evidenced by Hoag.

In an analogous art, Hoag chows a method for assigning of shortcut key combinations on a computer application. Hoag teaches that many computer applications, it customary for software developers to assign certain key combinations as "keyboard shortcuts" which are typically used to cause the software application to implement a macro, sub-routine, object, or other defined application function. Such "keyboard shortcuts" are selected as part of the software development process. An important goal of the developer is picking keystroke combinations that are easy for users of the application to remember. To enhance recall, such keystroke combinations typically have a logical, phonetic or other association with the actual application function being called and thus are often referred to as "mnemonics". Frequently, mnemonics consist of a combination of the alternate key (ALT) and a letter key (A-Z). Examples of such mnemonics are the alternate key and letter "E" combination (ALT+E) for the "edit" menu, the alternate key and letter "F" combination (ALT+F) for the "file" menu, etc. (see Hoag; column 1, lines 14-42). In an attempt to increase the speed of parsing and collating hypermedia application data, assigning keyboard shortcut to one or more elements of the hypermedia makes sense.

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system shown by D'Souza, to employ the features shown by Hoag in order to facilitate acceleration of resource processing within a system, thus providing efficiency and efficacy (see column 2, lines 57-65). By this rationale, Claim 1 is rejected.

Regarding claims 2-27 the combination D'Souza and Roag discloses:

2. (Original) A method according to claim 1 wherein the predetermined attribute comprises accesskey operability for assigning a particular control key for the user agent to the element (see Hoag; column 4, lines 55-67; column 8, lines 14-26).

3. (Original) A method according to claim 2 including rendering the hypermedia, and operating a control of the user agent to render the collated data instead of the hypermedia (see D'Souza; column 11, lines 16-40; column 12, lines 10-26).

4. (Previously Presented) A method according to claim 3 including making a selection from the collated data to select said predetermined functionality (see D'Souza; column 11, lines 16-40; column 12, lines 10-26).

5. (Original) A method according to claim 1 wherein the parsing and collating is performed by a browser (see D'Souza; fig. 2, item 51).

6. (Original) A method according to claim 1 wherein the hypermedia comprises an XHTML document (see D'Souza; column 6, lines 18-50).

7. (Previously Presented) A browser for a user agent for rendering hypermedia that includes at least one element that has a predetermined attribute whereby a dynamically assignable keyboard shortcut for the user agent actuates a predetermined functionality associated with the at least one element (see D'Souza; *see fig. 6*), the browser including software to provide:

parsing of the hypermedia (see D'Souza; column 14, lines 12-17; *column 14, lines 55-62*);

identifying data corresponding to the at least one elements in the hypermedia that have been assigned a keyboard shortcut using said predetermined attribute; and rendering a display of the data (see D'Souza; column 14, lines 12-17; *column 14, lines 55-62*; see Hoag; column 1, lines 14-42).

8. (Original) A browser according to claim 7 for use with XHTML (see D'Souza; column 6, lines 18-50).

9. (Original) A mobile device including a browser as claimed in claim 7 (see D'Souza; *fig. 2, item 51*).

10. (Original) A browser according to claim 7 wherein the predetermined attribute is an accesskey function (see Hoag; column 4, lines 55-67; column 8, lines 14-26).

11. (Previously Presented) A device for rendering hypermedia received from a remote server, the device including a processor for processing the hypermedia and a user interface including a display device and a keyboard with a plurality of keys operable in a first mode to enter associated alphanumeric data, and operable in a second mode to actuate respective keyboard shortcuts dynamically assigned thereto by elements in the hypermedia (figs, 1-2, 5, and 6), and wherein;

the processor and the display device being operable in a first display configuration to display the hypermedia (see D'Souza; fig. 1; column 14, lines 12-17; *column 14, lines 55-62*);

the processor being operable to identify elements that define predetermined keyboard shortcuts in the hypermedia, and form an options list containing data associated with the identified elements (see D'Souza; column 14, lines 12-17; *column 14, lines 55-62*); and

the processor and the display device being operable in a second display configuration to display the options list (see D'Souza; column 14, lines 12-17; *column 14, lines 55-62*; see Hoag; column 1, lines 14-42).

12. (Original) A device according to claim 11 wherein the data associated with the identified elements comprise links to other hypermedia locations, and the keyboard is

operable in the second display configuration to select and actuate one of the links (see D'Souza; column 14, lines 12-17; *column 14, lines 55-62*);

13. (Original) A device according to claim 11 wherein the keyboard is operable to switch between the first display configuration in which the hypermedia is displayed and the second configuration in which the options list is displayed (see D'Souza; fig. 1, and 2).

14. (Original) A device according to claim 11 wherein the display device is configured to scroll the displayed hypermedia in said first display configuration (see Hoag; column 9, lines 21-33) whereby the display can be scrolled through different scrolling positions, and the options list display for the second configuration is selectable independently of the scrolling position of the first display configuration (see D'Souza; column 14, lines 12-17; *column 14, lines 55-62*; see Hoag; column 1, lines 14-42).

15. (Original) A device according to claim 14 including a scrolling device to scroll the display of hypermedia in the first configuration (see Hoag; column 9, lines 21-33).

16. (Original) A device according to claim 13 wherein the keys of the keyboard are operable with a relatively short key-press in the first mode and a relatively long key-press in the second mode (see Hoag; column 1, lines 14-42).

17. (Original) A device according to claim 11 wherein the elements have an accesskey keyboard shortcut function (see Hoag; column 4, lines 55-67; column 8, lines 14-26).

18. (Original) A device according to claim 17 wherein numbering associated with the accesskey keyboard shortcut function is hidden in the display of hypermedia in the first display configuration (see Hoag; column 4, lines 55-67; column 8, lines 14-26).

19. (Previously Presented) A computer readable medium storing computer executable code that when executed by a processor performs the steps of:
parsing hypermedia (see D'Souza; column 14, lines 12-17; *column 14, lines 55-62*);
identifying data corresponding to elements that define predetermined keyboard shortcuts in the hypermedia (see D'Souza; column 14, lines 12-17; *column 14, lines 55-62*; see Hoag; column 1, lines 14-42); and
rendering a display of the data (*fig. 1-2, internet browser 51 is used to display the retrieved data; also see column 5, lines 57-64*).

20. (Previously Presented) A signal including a carrier that carries instructions in the form of computer executable code that when executed by a processor provides:
parsing hypermedia (see D'Souza; column 14, lines 12-17; *column 14, lines 55-62*);
identifying data corresponding to elements that define predetermined keyboard shortcuts in the hypermedia (see D'Souza; column 14, lines 12-17; *column 14, lines 55-*

62); and rendering a display of the data (*fig. 1-2, internet browser 51 is used to display the retrieved data; also see column 5, lines 57-64; see Hoag; column 1, lines 14-42*).

21. (Previously Presented) A method of collating and providing a display of mark up language elements embedded in hypermedia that is loaded by a browser and at least partly rendered in a display of a mobile device (see D'Souza; column 14, lines 12-17; *column 14, lines 55-62*), comprising:

parsing, using a processor of the mobile device, mark-up code of the hypermedia (see D'Souza; column 14, lines 12-17; *column 14, lines 55-62*);;

identifying at least one mark up code element in the hypermedia having an key attribute (see D'Souza; column 14, lines 12-17; *column 14, lines 55-62*); and

rendering a list of the identified elements instead of the hypermedia in said display (*fig. 1-2, internet browser 51 is used to display the retrieved data; also see column 5, lines 57-64; see Hoag; column 1, lines 14-42*).

22. (Previously Presented) A method of claim 21 further comprising rendering the hypermedia, and wherein the rendering of the display including a list of the identified elements, instead of the hypermedia is performed in response to the operation of a control of the mobile device (see D'Souza; *fig. 1-2, internet browser 51 is used to display the retrieved data; also see column 5, lines 57-64; see Hoag; column 1, lines 14-42*).

23. (Previously Presented) A method of claim 21 further comprising making a selection of an identified element in the list to select a functionality associated with the accesskey attribute (see Hoag; column 4, lines 55-67; column 8, lines 14-26).

24. (Previously Presented) A method of claim 21, wherein the parsing and the collating is done by the browser (see D'Souza; fig. 2, item 51).

25. (Previously Presented) A method of claim 21, wherein the hypermedia comprises an XHTML document (see D'Souza; column 6, lines 18-50).

26. (Currently Amended) A device comprising:
a processor operable to run a browser (see D'Souza; fig. 1-2; 24, 51); and
the processor further being operable to parse mark-up code of the hypermedia at least partly displayed in said display, identify at least one mark up code element in the hypermedia having been assigned an accesskey attribute and render a list including the identified elements for display, instead of the hypermedia, in said display (see D'Souza; column 14, lines 12-17; *column 14, lines 55-62; fig. 1-2, internet browser 51 is used to display the retrieved data; also see column 5, lines 57-64*; see Hoag; column 1, lines 14-42).

27. (New) A device for rendering hypermedia, the device comprising:
a processor for processing the hypermedia and operable in a first mode to receive alphanumeric data in response to actuation of one or more keys, and operable in a

second mode to receive respective keyboard shortcuts dynamically assigned to respective keys by elements in the hypermedia(see D'Souza; column 14, lines 12-17; *column 14, lines 55-62*), and wherein;

the processor being operable in a first display configuration to cause display of the hypermedia (see D'Souza; figs. 1 and 2; also column 14, lines 12-17; *column 14, lines 55-62*);

the processor being operable to identify elements that define predetermined keyboard shortcuts in the hypermedia, and form an options list containing data associated with the identified elements (see D'Souza; column 14, lines 12-17; *column 14, lines 55-62*; see Hoag; column 1, lines 14-42); and

the processor being operable in a second display configuration to cause display of the options list (see D'Souza, figs. 5-9; column 14, lines 12-17; *column 14, lines 55-62*; see Hoag; column 1, lines 14-42).

Conclusion

7. Accordingly, **THIS ACTION IS MADE NON-FINAL**. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3201.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-0800.

/Jude J Jean-Gilles/

Primary Examiner, Art Unit 2143

07/05/2008